

Should Remarriage Protection be part of your Estate Plan?

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Most married couples I represent want a surviving spouse to be provided for as generously as possible, and of course, this instinct makes sense. But have you considered whether someone else may come along and become the new spouse after your passing?

Does your estate plan address this possibility?

In this age of longer lifespans, chances are that another spouse may replace you after your demise. That possibility raises several issues you probably haven't considered. What if:

- the new spouse winds up inheriting everything. Will anything go to your kids?
- your spouse falls prey to an opportunistic person with bad intentions?
- your spouse spends everything on the new spouse's care?

The list of potential bad endings goes on and on. But you can do something to ensure a better outcome.

Leaving assets to your spouse in a trust can provide the security you desire, while limiting the potential havoc to your estate planning intentions. A well drafted trust can be easy to administer and leave your spouse living comfortably.

But it can also contain provisions that restrict where the money can go in the event your surviving spouse remarries or cohabitates.

A trust with remarriage protection not only ensures that your assets go where you intend, it also does the surviving spouse a favor by making exploitation less likely.

Remarriage of a surviving spouse may not be a topic spouses want to discuss in depth, but at the very least, it's one their attorney and other advisors should keep in mind and plan for thoughtfully.

Do you have a suggestion for a future article topic for Attorney Walecka? Reach out to him directly with a question or topic you think would be helpful to readers.

The information contained in this article is not intended to make you an expert on estate planning nor is this article intended to replace the need for the advice of a professional. Rather, this article is simply intended to provide a basic understanding of why estate planning is important for everybody and a basic understanding of some of the more common estate planning tools. This article does not constitute legal advice.